

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.277 OF 2007**

Shri Shahabuddin @ Sabapashamiya Shaikh...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri B.G.Tangsali & V.K.Kanitkar, advs. for the
Applicant.
Ms.M.H.Mhate, APP for the Respondent/State.

**CORAM: J.H.BHATIA, J.
DATE : 6th February, 2007.**

P.C.:

1. Heard Mr.Tangsali, the learned counsel for the applicant and Ms.M.H.Mhatre, the learned APP for the State.

2. The applicant is original accused no.4 in R.C.C.No.116 of 2005 on the file of J.M.F.C.,Bhiwandi arising out of crime no 99 of 2004 for the offence punishable under section 395,307 and 427 of the I.P.C., Originally applicant was granted bail and for sometime, he was also present on the dates. However, it appears that from 10-6-2005 till 5-8-2005 he was absent. On 31-1-2006, he was present but again he remained absent on the next date. Warrant was issued against him. Warrant was executed and he was taken in custody. He applied for bail before the Magistrate but he rejected

the application. Thereafter, the applicant made an application before the Sessions Court for bail on the ground that he was absent on one date but he had not produced any record from the trial Court showing that he was absent only for one date. Therefore, his application came to be rejected. The learned counsel for the applicant has produced copies of roznama today at the time of hearing, which disclosed that the applicant was absent on number of occasions and no application was made for exemption on the dates when he was absent. Taking into consideration the conduct of the accused remaining absent in a serious offence of dacoity, I find that he has proved himself to be unfit to be released on bail. Now he is in custody for the last about one year and the case is also committed to the Court of Sessions. It is expected that trial should be expedited and case be decided as early as possible.

3. For the aforesaid reasons, the application stands rejected. However, the learned Sessions Judge, Thane is hereby directed to expedite hearing of the sessions case arising out of C.C.No.116 of 2005 on the file of J.M.F.C., Bhiwandi and to dispose off the same as early as possible. In case, the matter is not disposed off within six months, the applicant shall be at liberty to move the bail application again.

4. Application stands disposed off.

(J.H.Bhatia, J.)